



PLEASANT GROVE CITY
PLANNING COMMISSION MINUTES
August 27, 2015

PRESENT: Chair Drew Armstrong, Vice Chair Levi Adams, Commissioners Lisa Coombs, Peter Steele, Jennifer Baptista, Matt Nydegger and Scott Richards

STAFF: Community Development Director Ken Young, City Planner Royce Davies, Planning Tech Barbara Johnson, City Engineer Degan Lewis and NAB Chairperson Libby Flegal

Commissioners Amy Cardon and Dallin Nelson were excused.

The meeting was called to order at 7:32 p.m.

Commission Business:

- **Pledge of Allegiance:** Commissioner Steele led the Pledge of Allegiance.
- **Opening Remarks:** Commissioner Nydegger gave the opening remarks.
- **Agenda Approval:**
 - **MOTION:** Commissioner Richards moved to APPROVE the written agenda as public record, with the cancellation of Item 3 and continuation of the approval of the minutes. Commissioner Baptista seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.
- **Staff Reports:**
 - **MOTION:** Commissioner Richards moved to APPROVE the Staff Reports as part of the public record. Commissioner Baptista seconded the motion. The Commissioners unanimously voted “Aye”. The motion carried.
- **Declaration of conflicts and abstentions from Commission Members:** There were none.

ITEM 1 – Public Hearing to consider a request of Dianne Bjarnson for a Conditional Use Permit for an accessory building approximately 20 feet in height and approximately three feet from the

1 property line on property located at approximately 1243 Hillside Drive in the R1-20 (Single-
2 Family Residential) Zone. **GROVE CREEK NEIGHBORHOOD.**

3
4 City Planner, Royce Davies, presented the staff report and stated that the applicant came before
5 the Planning Commission previously and the application had only a few changes. Originally, there
6 was a question regarding the side setback of the existing accessory structure in relation to the fence,
7 and the applicant suspected that the fence was not along the actual property line. A professional
8 survey was conducted and it was determined that the applicant was correct. If the fence were in
9 the correct place the structure would have a setback of roughly 3.5 feet. Mr. Davies confirmed
10 that the required setback without additional height is three feet, so this building is currently in
11 compliance with the Code. If the applicant were granted additional height, as requested, a variance
12 would also need to be granted for the side yard setback, as that requirement would increase as the
13 height increases. Mr. Davies stated that the height request is for approximately 20 feet, but the
14 applicant stated that they only need 16 to 17 feet in height.

15
16 Mr. Davies stated that the applicant would like to have a work shop on the bottom floor of the
17 accessory building and storage on the second floor. There was concern raised by residents at the
18 previous hearing about the potential for occupancy in this building. Staff was aware that there is
19 the potential for a residence to be built in this structure in the future and recommended that a
20 condition be included in the motion that would prohibit this.

21
22 The applicant Dianne Bjarnson gave her address as 1243 Hillside Drive and gave a brief history
23 of the application. She explained that legally they would be able to extend their accessory building
24 to 15 feet without a conditional use permit but they would like an extra two feet to provide enough
25 space to stand up in the second floor. Mrs. Bjarnson stated that the rest of their yard improvement
26 plans have been put on hold during the process to expand the shed, which has left their yard in
27 disarray. She also spoke about the number of people residing in the home, as several children were
28 living with her and her husband. She confirmed that no one would be residing in the accessory
29 building. Mrs. Bjarnson explained that they were requesting 17 feet of height at the front of the
30 building and 18 feet for the back, due to the grade of the property and the potential roof slope.

31
32 In response to a question from Commissioner Richards, Community Development Director, Ken
33 Young, confirmed that the increased height would require a greater setback, but the applicant is
34 requesting a variance with the application.

35
36 Chair Armstrong opened the public hearing and stated that the Planning Commission would be
37 approving or denying the conditional use permit based on statutes and the Code.

38
39 Paul Harper, who resides at 1246 Hillside Drive, thanked the Commission for the opportunity to
40 speak about this issue. Mr. Harper expressed concerns regarding the potential for occupancy in
41 the structure with the additional height. He felt this was reason enough to consider denying the
42 application. He also believed there was indoor plumbing in the building. Chair Armstrong stated
43 that this was something a building inspector would check on if the application were approved and
44 a building permit requested.

45
46 There were no further public comments. Chair Armstrong closed the public hearing.

Commissioner Adams asked staff if the letters they received from the neighbors on the previous application were relevant to this request as well. Mr. Young confirmed that they hadn't received any letters this time around, and the previously received letters were not included in the staff report.

There was a discussion about the differences between the applications. Director Young confirmed that the motion would need to be adjusted to reflect the height the applicant is requesting. The Commission also deliberated about the setback requirements in relation to the height.

With regard to the potential occupancy of the building, Mr. Young stated that the zoning ordinance prohibits two homes on a residential lot, so there would not be a need for conditions restricting plumbing or insulation, as suggested by Chair Armstrong.

MOTION: Commissioner Adams moved that the Planning Commission APPROVE the request of Dianne Bjarnson for a Conditional Use Permit to allow an accessory building with a height of 17 feet in the front and 18 feet in the rear, approximately three feet from the property line, in the R1-20 (Single Family Residential) Zone; and adopt the exhibits, conditions, and findings contained in the staff report, with the following recommendation:

1. Based on the concerns that have been presented, at a future point the City shall verify that the structure is not being occupied by residents.

Commissioner Richards seconded the motion. The Commissioners unanimously voted "Aye". The motion carried.

ITEM 2 – Public hearing to consider the request of David R. Gibb for approval of a two-lot preliminary subdivision approximately 1.67 acres on property located at approximately 338 West 2600 North in the R-R (Rural Residential) Zone. **MANILA NEIGHBORHOOD.**

Mr. Davies presented the staff report and stated that the applicant was requesting approval of a two-lot subdivision on property located at 338 West 2600 North in the Rural Residential Zone with a General Plan designation of Very Low Density Residential. The subdivision is the result of an addition to the main dwelling on the proposed Lot 3 that was discovered by the Pleasant Grove Building Department in July of 2015. The addition fills in a carport which is required for a conditional use permit held by the applicant to operate an assisted living facility on the property. Construction of the addition was also begun without a building permit, which is not permitted by City Code.

Mr. Davies stated that since the applicant is removing the carport by adding additional rooms for the assisted living facility, a new carport or garage is required in order to meet all of the conditions of the conditional use permit. The applicant has proposed a carport to the rear of the main dwelling which must be accessed by a 13-foot wide paved driveway according to City Code. In order to comply with this requirement, the lot line between the applicant's two properties needs to be adjusted. As the properties are currently included in the Manila Hills Subdivision Plat A, the applicant is required to vacate the properties from Plat A and create a new subdivision plat.

1 Mr. Davies confirmed that the proposed lot sizes, widths, and frontages all meet the zoning
2 requirements. He reminded the Commission that the application is not for the conditional use
3 permit, but a subdivision request.

4
5 Commissioner Baptista asked if the properties involved are owned by the same person. Mr. Davies
6 confirmed that this was the case.

7
8 Mr. Davies added that staff received an email from a resident who opposes the request and who
9 made claims about where the residents are living on the property. If people were living in two
10 different buildings on the property, they would be in violation of City Code. Staff had not received
11 proof of this, but stated that they could request this information from the applicant as the burden
12 of proof for any application lies with the application.

13
14 The applicant David Gibb gave his address as 338 West 2600 North and stated that the subdivision
15 was approved several years ago when he applied for the conditional use permit. There was also a
16 condition regarding the carport requirement. Mr. Gibb now wishes to expand the residence to
17 include two more rooms for the assisted living area and construct a carport in the rear of the
18 property. In order to reach the carport area, the property line needs to be adjusted to allow room
19 for a paved drive.

20
21 Commissioner Adams asked the applicant if anyone was living in the barn, as claimed by the
22 concerned resident. Mr. Gibb stated that the barn was altered to act as an office for him, and has
23 a bathroom and small kitchen. He confirmed that currently he and his wife sleep and bathe in the
24 barn but do all other activities in the home where they run the assisted living facility. He also
25 stated that his daughter lives in the cabin on the property. Mr. Gibb commented that he followed
26 the requirements of the conditional use permit by connecting sewer to the cabin, adding sidewalk,
27 curb, and gutter along the frontage of the properties, and installing a covered irrigation ditch
28 through the property.

29
30 Mr. Young stated that if a structure has a bathroom and kitchen and people are sleeping there, it is
31 considered a residence. This being the case, Lot 4 is not in compliance with the Code. He
32 suggested that the Planning Commission include a condition that one of the structures be removed
33 or brought into compliance, if they approve the application.

34
35 Chair Armstrong opened the public hearing. There were no public comments. Chair Armstrong
36 closed the public hearing.

37
38 In response to a question from Commissioner Baptista, Mr. Young confirmed that this was not to
39 be considered a flag lot and explained the reasons for that with regard to frontage and the shape of
40 the lots.

41
42 Commissioner Richards commented on the letter received by the concerned residents and stated
43 that he has not personally witnessed a parking issue at the subject property, which he drives past
44 daily. He felt this concern was not relevant to the Planning Commission's decision.

1 There was discussion regarding non-compliance and what could be required to mend the situation.
2 Mr. Gibb asked for the Code definition of a kitchen, as he and his wife do not eat meals in the
3 barn. He was willing to bring the property into compliance, if necessary. Mr. Gibb also stated
4 that the cabin was the original pioneer home on the property and has historical significance.

5
6 Mr. Young stated that they would have to provide evidence of compliance when the application is
7 heard by the City Council for final plat approval.
8

9 **MOTION:** Commissioner Adams moved that the Planning Commission APPROVE the request
10 of David Gibb for a two-lot Preliminary Subdivision Plat on property located at approximately 338
11 West 2600 North, in the R-R (Rural Residential) Zone; and adopt the exhibits, conditions, and
12 findings contained in the staff report, and as modified by the condition below:
13

- 14 1. Approval is contingent on the applicant bringing Lot 4 into compliance with the
15 City Code with regard to the number of dwellings.
16

17 Commissioner Nydegger seconded the motion. The Commissioners unanimously voted “Aye”.
18 The motion carried.
19

20 **ITEM 3** – Public Hearing to consider a request of Shawn Herring and Kevin Ellis for approval of
21 a four-lot preliminary flag lot subdivision of approximately 1.08 acres on property located at
22 approximately 298 North 100 East in the R1-8 (Single-Family Residential) Zone. **LITTLE**
23 **DENMARK NEIGHBORHOOD** *Cancelled.
24

25 **ITEM 4** – Public Hearing to consider a request of Ryan Clark for approval of a proposed City
26 Code amendment to change the definition for corner lot front lines in the “Lot Line, Front”
27 definition in Section 10-6-2 in the “Definitions” Chapter of the “Planning and Zoning” Title of the
28 Pleasant Grove City Code. **CITY WIDE.**
29

30 Mr. Davies presented the staff report regarding the text amendment for the definition of the front
31 lot line on a corner lot. He stated that the definition currently designates the narrowest frontage
32 on a corner lot as the front. This has caused issues, primarily with lot widths. Based on their
33 research, staff was proposing to modify the current language to read, “Either frontage shall be the
34 front line provided that building a lot is created in connection with required setbacks for the zone
35 in which the lot is located.”
36

37 Mr. Davies presented aerial photographs of the applicant’s property and identified where the house
38 would have to be located with the current definition. This location would leave little room in the
39 rear of the home, with unusually large side yards.
40

41 The applicant Ryan Clark gave his address as 632 East 110 South in American Fork. He gave a
42 brief history of the application and explained that they worked to design a home that would fit onto
43 the oddly shaped corner lot with what they believed the setback requirements were. They later
44 discovered that if they built the home they desired, they would not have much of a backyard, and
45 they would like to enjoy the land they have purchased.
46

1 Chair Armstrong opened the public hearing. There were no public comments. Chair Armstrong
2 closed the public hearing.
3

4 **MOTION:** Commissioner Cardon moved that the Planning Commission recommend that the City
5 Council APPROVE the proposed text amendment to modify the front line definition for corner lot
6 in Section 10-6-2 of the Definitions Chapter of the Pleasant Grove City Code; and adopt the
7 exhibits, conditions, and findings contained in the staff report. Commissioner Baptista seconded
8 the motion. The Commissioners unanimously voted “Aye”. The motion carried.
9

10 **MOTION:** Commissioner Richards moved to adjourn. Commissioner Baptista seconded the
11 motion. The Commissioners unanimously voted “Aye”. The motion carried.
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13 The meeting adjourned at 8:54 p.m.
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16 _____
17 Planning Commission Chair
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20 _____
21 Barbara Johnson, Planning Technician
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23 _____
24 Date Approved